

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ZF MERITOR LLC and MERITOR
TRANSMISSION CORPORATION,

Plaintiffs,

v.

EATON CORPORATION,

Defendant.

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C.A. No. 06-623-SLR

**DEFENDANT EATON CORPORATION'S REQUEST FOR ORAL ARGUMENT
REGARDING MOTION FOR PARTIAL SUMMARY JUDGMENT
OR, IN THE ALTERNATIVE, MOTION *IN LIMINE* TO EXCLUDE ARGUMENT AND
EVIDENCE OF A PORTION OF PLAINTIFFS' ALLEGED DAMAGES**

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
Donald E. Reid (#1058)
1201 N. Market Street
P.O. Box 1347
Wilmington, Delaware 19899-1347
(302) 351-9219
dreid@mnat.com

*Attorneys for Defendant
Eaton Corporation*

OF COUNSEL:

Alfred C. Pfeiffer, Jr.
Sarah M. Ray
Andrew M. Gass
LATHAM & WATKINS LLP
505 Montgomery St.
San Francisco, CA 94107

Dan K. Webb
Robert F. Ruyak
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601-9703

Joseph A. Ostoyich
BAKER BOTTS LLP
The Warner
1299 Pennsylvania Ave., NW
Washington, D.C. 20004-2400

May 8, 2014

Defendant Eaton Corporation respectfully requests that the Court schedule oral argument, on the earliest date convenient to the Court, regarding Eaton's Motion for Partial Summary Judgment or, in the Alternative, Motion in Limine to Exclude Argument and Evidence of a Portion of Plaintiffs' Alleged Damages.

As the Court noted in its Order dated April 15, 2014, the point of Eaton's motion is to "ensure that plaintiffs' damages model is consistent with the law." As described in Eaton's motion and supporting briefs, the model is irreconcilable with settled law. And contrary to plaintiffs' assertions, the Court has not previously considered the arguments presented on this motion which stand to reduce plaintiffs' damages claim by hundreds of millions of dollars. As a result, we respectfully submit that oral argument, in person before the Court, will best help the parties explain their respective positions and, so, achieve a prompt resolution of this fundamental question well in advance of the scheduled June 23, 2014 trial.

May 8, 2014

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Donald E. Reid

Donald E. Reid (#1058)
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19801
(302) 351-9261
dreid@mnat.com

*Attorneys for Defendant
Eaton Corporation*